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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/631,212	08/03/2000	Nicolas Vasquez	5150-44800	1157

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1 EXAMINER

GROSS, KENNETH A

ART UNIT	PAPER NUMBER
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2122

DATE MAILED: 06/06/2003

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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/631,212

Applicant(s)

VASQUEZ ET AL.

Examiner

Kenneth A Gross

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-28 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-28 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s) ____.
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 4, 5. 6) ☐ Other:

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-3, 6, 14-16, 18, 19, 22, and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lindsey (U.S. Patent Number 5,675,801) in view of Donoho et al. (U.S. Patent Number 6,263,362).

In regard to Claim 1, Lindsey teaches: (a) receiving user input specifying a problem from a plurality of problems (Column 5, line 67 and Column 6, lines 1-3); and (b) automatically creating a prototype including a plurality of elements in response to the specified problem wherein the plurality of elements are operable to perform a process that solves a specified problem (Column 2, lines 65-67 and Column 3, lines 1-15). Lindsey does not teach displaying information indicating a plurality of problems. Donoho, however, does teach displaying a number of relevant problems where a number of automatic solutions are made available (Column 7, lines 32-39 and lines 54-56), one such solution is to identify a script to effect the solution. Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to receive user input specifying a problem from a plurality of problems and automatically create a prototype including a plurality of elements in response to the specified problem as taught by Lindsey, where the plurality of problems are displayed to the user as taught

by Donoho, since this allows the user to effect solutions for a number of predetermined problems. Claims 18, 19, and 22 correspond directly with Claim 1 and are rejected for the same reasons as Claim 1.

In regard to Claim 2, the templates specified by Lindsey are previously stored information specifying the elements to include in the prototypes (Column 3, lines 1-15). Claim 23 corresponds directly with Claim 2 and is rejected for the same reasons as Claim 2.

In regard to Claim 3, Donoho teaches selecting a local script that solves the specified problem. The script is selected by the advice provider, which knows the precise solution to the problem (Column 7, lines 43-45 and Column 8, lines 49-61).

In regard to Claim 6, Lindsey teaches a graphical user interface that receives user input in order to customize the process that is performed (Column 5, line 67 and Column 6, lines 1-3) and creates the resulting prototype (Column 6, lines 32-37). Modifying the prototype comprises including elements in the specified prototype, so that the prototype performs a desired function.

In regard to Claim 14, Lindsey teaches: (a) installing a prototyping environment application operable to automatically create a plurality of prototypes, wherein each prototype is configured to perform a process to solve a problem (Column 2, lines 65-67 and Column 3, lines 1-15). The user interface is obviously installed on the computer before it is operated; (b) receiving solution information after said installing, wherein the solution information includes information enabling the prototyping environment application to automatically create a new prototype (Column 7, lines 1-19); (c) providing user input requesting that the prototyping environment automatically create the new prototype using the solution information (Column 6, lines 32-37).

In regard to Claim 15, Lindsey teaches: (a) a second software developer (the user of the software generator) that provides specification information that specifies how to construct solution information for the prototyping environment application (Column 5, line 67 and Column 6, lines 1-3); (b) constructing solution information according to the specification information in response to the user input from the second software developer, wherein the solution information enables the prototyping environment application to automatically create a new prototype (Column 6, lines 32-37); (c) the software developer, who uses the user interface tool, constructs solution information to solve a particular problem by creating a program that acts with a desired function. Lindsey does not teach a first software developer that transfers specification information to the second software developer. However, Donoho does teach transferring problem information that specifies the solution information for solving the specified problem (Column 7, lines 54-56). Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to provide specification information from a second software developer and constructing solution information according to the specification information as taught by Lindsey, where the specification information is transferred from a first software developer to a second software developer, as taught by Donoho, since this allows the first software developer to focus on finding problems, and the second software developer to focus on creating solutions.

In regard to Claim 16, Lindsey teaches: (a) providing information indicating a new problem to the software developer (Column 5, line 67 and Column 6, lines 1-3); (b) requesting the software developer to provide solution information enabling the prototyping environment information to automatically create a new prototype configured to perform a process to solve the new problem. The solution information is provided via the user interface. The user configures

objects in a manner that represents a desired function. The software generator receives this configuration and creates an application that solves the specified problem.

3. Claims 4, 5, 8-13, 20, 21, and 24-28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lindsey (U.S. Patent Number 5,675,801) in view of Donoho et al. (U.S. Patent Number 6,263,362) and further in view of Amberg et al. (U.S. Patent Number 5,995,757).

In regard to Claim 4, Lindsey and Donoho teach the method of Claim 1, but do not teach that the elements in the prototype are steps representing a function. Amberg however, does teach receiving a system descriptor record, breaking down the record into a number of component elements, and retrieving a sequence of steps for each element, which produce a program that solves the problem of producing a computer system associated with the system descriptor record (Column 15, lines 25-45). Claim 24 corresponds directly with Claim 4 and is rejected for the same reasons as Claim 4.

In regard to Claim 5, Amberg teaches sequencing the steps in order to perform the function of installing software components on a computer system (Column 15, lines 41-45). Claim 25 corresponds directly with Claim 5 and is rejected for the same reasons as Claim 5.

In regard to Claim 8, Lindsey and Donoho teach the method of Claim 1, and Donoho further teaches displaying information indicating the additional problem along with other problems in the plurality of problems (Column 7, lines 32-39 and lines 54-56). Neither Lindsey nor Donoho teach receiving information regarding an additional problem to indicate in the plurality of problems, where the information specifies a plurality of elements to include in a prototype. Amberg, however, does teach receiving a system descriptor record which indicates a plurality of components to include in a program which builds a computer system according to the

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system descriptor record (Column 15, lines 25-45). Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to utilize the method of Claim 1, as taught by Lindsey and Donoho, and receiving information regarding an additional problem to indicate in the plurality of problems, where the information specifies a plurality of elements to include in a prototype, as taught by Amberg, since it is useful to have a system that can solve multiple user problems. Claims 20 and 26 correspond directly with Claim 8 and are rejected for the same reasons as Claim 8.

In regard to Claim 9, Amberg teaches receiving orders for a computer system, said order being used to generate a program which builds a computer system, by means of a computer network, which does not require user input (Column 6, lines 2-4).

In regard to Claim 10, Amberg teaches downloading computer orders over a network (Column 6, lines 2-4). Claim 21 corresponds directly with Claim 10 and is rejected for the same reasons as Claim 10.

In regard to Claim 11, Amberg teaches generating a program executable to implement the process performed by the prototype (Figure 5, items 500-580).

In regard to Claim 12, it would be obvious that the program to implement a process performed by a prototype would be a graphical program, since graphical programs are more user-friendly and more popular in Windows based environments.

In regard to Claim 13, Amberg teaches that the problems are associated with industrial automation, since the problems being solved are automatically building computers in an industrial setting.

Claim 27 corresponds directly with Claims 1-3 and is rejected for the same reasons as Claims 1-3 and 10.

In regard to Claim 28, Amberg teaches taking orders from a variety of clients, which include retrieving orders from a number of clients through a network.

4. Claims 7 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lindsey (U.S. Patent Number 5,675,801) in view of Donoho et al. (U.S. Patent Number 6,263,362) and further in view of "Windows 98 For Dummies" by Andy Rathbone (hereinafter Rathbone).

In regard to Claim 7, Lindsey and Donoho teach the method of Claim 1, but do not teach displaying help information regarding a specified problem, wherein the help information includes information explaining the process that is performed in order to solve the specified problem. Rathbone, however, teaches the Windows 98 Help system, which displays information regarding a plurality of problems, and the step-by-step solution. Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to utilize the method of Claim 1 as taught by Lindsey and Donoho, where help information, including information specifying the process performed to solve a problem, is displayed, as taught by Rathbone, since this allows the user to easily find and solve a specified problem. Claim 17 corresponds to Claim 7 and is rejected for the same reasons as Claim 7.

Conclusion

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

Sebastian et al. (U.S. Patent Number Re. 36,602)

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Chandhoke et al. (U.S. Publication Number 2002/0191023)

Chigira et al. (U.S. Patent Number 4,949,253)

Silver et al. (U.S. Patent Number 5,481,712)


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kenneth A Gross whose telephone number is (703) 305-0542.

The examiner can normally be reached on Mon-Fri 7:30-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gregory A Morse can be reached on (703) 308-4789. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 746-7239 for regular communications and (703) 746-7240 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

KAG
May 28, 2003


GREGORY MORSE
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100